

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,)	CASE NO. 8:11CR177
)	
Plaintiff,)	
)	
vs.)	ORDER
)	
STEVEN LLOYD POSTEN,)	
)	
Defendant.)	

This matter is before the Court on the government's motion to dismiss (Filing No. 32) and the Defendant's motion for release (Filing No. 31).

Under Federal Rule of Criminal Procedure 48(a), leave of court is granted for the dismissal of the Indictment, without prejudice, against the above-named Defendant. The dismissal of the Indictment will result in Defendant's release, and the motion for release did not contemplate the filing of the government's motion to dismiss; therefore, the Defendant's motion for release will be denied as moot.

IT IS ORDERED:

1. The government's motion to dismiss (Filing No. 32) is granted; and
2. The Defendant's motion for release (Filing No. 31) is denied as moot.

DATED this 30th day of August, 2011.

BY THE COURT:

s/Laurie Smith Camp
United States District Judge